

Home (1938) Department.

and SERIES.

I.O. No. 4 68 2

DATED 27 9 1938

614

[Despatch Abstract.]

Lunatic - Criminal - Kuruba Hanumantha - Accused in S.G. No.33 of 1938 on-the file of the Sessions Judge, Bellary - Detention in the Mental Hospital, Madras - Report under section 465(2). Criminal Procedure Code Recorded.

JUDICIAL DEPARTMENT.

U.P. 100.

Received 22 SEP 1938 192 Registered 32429 192
mg

Subject.

Accused in S.C.33 of 1938 - Kuruba Hanumantha - Confinement
of - in the Mental Hospital, Madras - .

ENCLOSURES.
No. <u>copy 7</u>
Order in S.C.
<u>33/38</u>
Spars copies

Di: No. 5094
20/9

Station B e l l a r y ., Dated the 19th September 1938

From (Name) E.E.Mack Esquire, I.C.S., Bar-at-law.,

(Designation) Sessions Judge,

To The Secretary to the Government of Madras,

Home LAW Department.

M a d r a s .

Sir,

As required by Rule 3 of G.O.No.3285 dated 20-10-1926 published at page 144 of the Criminal Rules of Practice, I have the honour to forward herewith a copy of my order in Sessions Case No.33 of 1938 and to report that I have ordered Kuruba Hanumantha, accused in the above case, to be confined in the Mental Hospital, Madras.

I have the honour to be,
Sir,
Your most obedient servant,

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Sessions Judge.

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pp 1-2-4 (9)

pp 2-4 infra



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In the Court of Session of the Bellary Division.

The 14th day of September 1938.

Present:— E.E. Mack Esquire, I.C.S., Bar-at-law, Sessions Judge.

SESSION CASE No. 33 OF 1938.

Rex. ~~H.V. XXXX~~ (vs.) Kuruba Hanumantha.

Preliminary Enquiry No. 8 of 1938 committed by Mr. ~~XX~~ Sri Jayanatha District Magistrate of Hospet, Bellary.....

Jury
Assessors

1. Marikotraiya, Lingayat.
2. Doddana Gowd, Lingayat.
3. Dari Veerabhadrappa, Lingayat.
4. Nagappa, M., Vysya.

The Accused ~~was~~ defended by Sri T. Raghava, Advocate appointed for the Crown.

Offence Trial under Section 465(1), Cr.P.C.
Plea as to accused's soundness of mind and capacity to make his defence.

Opinion of Assessors

Verdict of Jury Appended.

Finding of Court

Accused is of unsound mind and incapable of making his defence.

Sentence

Order Accused is directed under Section 466(2), Cr.P.C. read with Section 24 of the Lunacy Act to be detained in the Mental Asylum, Madras.

No.	Name of accused.	Father's name.	Caste or race.	Occupation.	Residence.	Age.
1.	Kuruba Hanumantha.	Basanna.	Kuruba.	Dependant.	Mapinaya-karahalli, Hospet taluk.	20.

DATE OF:—

1. Occurrence..... 19-2-1938.
2. Complaint..... 19-2-1938.
3. Arrest or appearance..... 21-2-1938.
4. Commitment..... 29-7-1938.
5. Receipt of Committal Order..... 3-8-1938.
6. Release on bail.....
7. Commencement of trial..... 13-9-1938.
8. Close of trial..... 13-9-1938.
9. Explanation of delay.....

O r d e r :-

1. Accused, a Kuruba lad aged about 20, has been committed on a charge of murdering his sister-in-law, Sankamma, ⁶⁷but cutting her with an axe in several places. His soundness of mind and capacity to make his defence has been tried under Section 465(1), Cr.P.C. with the assistance of four assessors.

2. The Medical Officer in charge of the Central Jail (P.W.1) had him under his direct observation for the past 20 days. He was also examined in the Bellary Head-quarters hospital during the preliminary enquiry. The Assistant District Medical Officer in the temporary absence of the District Medical Officer from Bellary is in charge as Civil Surgeon and has given evidence as P.W.2. He has filed ^{two} ~~the~~ medical opinions sent to the committing court, Exhibits A and B, from the Bellary hospital. Accused is, as P.W.1 deposes, not an idiot in the sense that he has no mind at all though P.W.2 would describe him as congenital idiot. Accused can understand and answer simple questions such as "What is your name?" but he cannot count up to ten and looks ~~vacantly~~ at all but the simplest questions which suggest a direct answer in one or two words. Both doctors do not think accused capable of understanding the proceedings against him. He is said to eat normally, to be of clean habits but is obviously of unsound mind in the sense that he cannot understand or follow things in any sequence. Both doctors are of the opinion that in a mental hospital his mental condition may improve though I am inclined to think he has all along been of unsound mind.

3. All the assessors are of the opinion that he is of unsound mind and incapable of making his defence. I agree with their opinion and find accordingly. This is obviously not a fit case for release on security under Section 466(1) Cr.P.C. I direct accused under Section 466(2) Cr.P.C. read with Section 24 of the Lunacy Act to be detained in the Mental Asylum, Madras. The action will be reported to the Local Government.

(Sd.) E. E. Mack,
Sessions Judge.

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2. /

Opinions of the Assessors:-

First Assessor:-

Accused is not capable of understanding things in Court though he is not an idiot.

Second Assessor:-

Accused is of unsound mind and not capable of making his defence.

Third Assessor:-

I agree with the 2nd assessor.

Fourth Assessor:-

Accused is not an idiot. But he is incapable of making his defence.

The following witnesses were examined:-

For the prosecution.

1. C.A. Venugopal.

2. V.S. Aminathan.

The following exhibits were filed

For the prosecution.

A/23-6-1938.

Opinion of the District Medical Officer of Bellary about the sanity of the accused.

B/11-7-1938.

Another opinion of do. do.

(True copy)

(s.d.) E.E. Mack,
Sessions Judge.

Copy to.

1. The Superintendent, Central Jail, Bellary.
2. The District Magistrate, Bellary.

San
Sessions Judge.

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DRAFT FOR APPROVAL.

C.F. 16.

Home (E) Dept.

When received for fair copying ..

When copied ..

When examined ..

When signed ..

When despatched.

Date.

Initial's.

SUBJECT:—

Lunatic - Criminal - Kurruba
Hannumantha - Accused in S.C.N^o
33 of 1938 on the file of the Sessions
Judge, Bellary - Detention in the
Mental Hospital, Madras - Report under
Section 466(y) Cr.P.C - Recorded.

READ AGAIN _____, dated _____, 19____.

" "

READ ALSO:—

C. No. 32429E From the ^{Dis} Sessions Judge, Bellary, No. 5094, dated 19-9-1938.

" " " " " " 19____.

" " " " " " 19____.

Order Ms. No. 4682, dated 27-9-1938.
Resolution—Rout.

To the Sessions Judge, Bellary ✓
" D.M. Bellary ✓
" Super. Mental Hospital, Madras ✓

Recorded.

24/9
24/9

27/9

Dpd. by	Val Post Messenger
Typ.'s initials.	sw
Date	28.9.1938.